GPN-J.332-ARCHB-8.94-1310500-ALA4 Spl-H.C.A.S.C.D.79e

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
WRIT PETITION NO. 4397 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.)

Court's or Judge's orders

Mr. M.S. Lagu for Petitioner.
Mr. R.M. Patne, A.G.P. for Respondent Nos. 1 to 4.
Ms. Gauri Godse for Respondent No. 5.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : FEBRUARY 10, 2005
P.C.

. The Petition by the teacher is for unpaid salary for the period of 1990 to 1993. That is the only relief sought for in the petition. Really speaking, such petition would not be maintainable as it is purely for recovery of money which is time barred. However, considering the reply filed on behalf of the Respondent No. 1 to 4 we propose to issue the following directions :

(1) The claims against Respondent No. 5 is time barred and the petitioners will have no claim whatsoever for recovery of that money against the Respondent No. 5.

(2) If the respondents had not forwarded

the salary bills, for the said period of the petitioner's as untrained teacher's, they may do so. It is for Respondent Nos. 1 to 4 to consider them and if in law they are entitled, to release grants for payment of salary to the Petitioner Nos. 1 to 3.

(3) If the Petitioners have already been paid by Respondent No. 5 either theentire amount of salary or any lessor amount of salary which the petitioners were entitled to as untrained teacher, then the difference may be paid by Respondent No. 5 to the petitioners and the balance adjusted against the amounts which they had paid to the petitioners.

. The bills to be submitted within the period of 12 weeks from today. Respondent Government to decide the same as early as possible.

. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)